

**STATE OF INDIANA – COUNTY OF PULASKI
IN THE PULASKI CIRCUIT AND SUPERIOR COURT**

**Notice of Proposed Local Rule Amendments and Revalidation of the
Current Caseload Allocation Plan
March 5, 2015**

Notice is hereby given to the bar and the public that the Pulaski Circuit and Superior Courts are amending their local court rules at **LR66-CR 2.2-01** on Assignment of Criminal Cases pursuant to Criminal Rule 2.2, **LR66-CR2.2-02** on Selection of Successor Judges in Criminal Cases, and **LR66-TR79-01** on special judge assignments in civil cases. The Courts also request approval to revalidate their current local court rule at **LR66-AR1-01** on caseload allocation. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for these rules to be effective and so requested.

A copy of the proposed amended rules may be viewed or obtained in the office of the Clerk of Pulaski County Circuit Court located at 112 East Main Street, Winamac, Indiana. A copy may also be viewed on the Indiana Judicial website at:
<http://www.in.gov/judiciary/pulaski/>.

COMMENTS

Comments on the proposed new rules and amendments will be received until **April 5, 2015**, and should be sent to Michael A. Shurn, Judge, Pulaski Circuit Court at 112 East Main Street, #310, Winamac, Indiana, 46996-1208, or by email at:
pulaskicircuitcourtjudge@sugardog.com.

EFFECTIVE DATE

The amended rules will be effective on **April 10, 2015**, subject to approval by the Indiana Supreme Court.

_____/S/_____
MICHAEL A. SHURN
Judge, Pulaski Circuit Court

_____/S/_____
PATRICK B. BLANKENSHIP
Judge, Pulaski Superior Court

LR66-AR1-01**CASELOAD ALLOCATION****(A) CRIMINAL, INFRACTION AND ORDINANCE VIOLATION CASES**

Criminal Cases shall be filed pursuant to LR66-CR2.2-01 (A) through (G). Except as provided in LR66-CR2.2-01 (D), all infraction and ordinance violation cases shall be assigned to the Superior Court.

(B) JUVENILE CASES

All juvenile cases, including paternity cases, shall be assigned to the Circuit Court.

(C) SMALL CLAIMS CASES

All small claims cases shall be filed in the Superior Court.

(D) ALL OTHER CIVIL CASE TYPES

Cases other than those mentioned in the preceding paragraphs may be filed in either Circuit Court or Superior Court, at the discretion of the filing party. However, nothing in this rule shall prohibit a judge of said Court from transferring a case from that Court to the other as allowed by statute, or rule of trial procedure, or to ensure an even distribution of judicial workload between the courts of record in the county.

(E) RE-FILED CASES

Except when a change of venue is necessary, whenever a case is dismissed by action of the originating party, the case, if re-filed, must be assigned to the same court that received the original case.

(F) ANNUAL REVIEW OF CASELOAD ALLOCATION PLAN

On or before May 1 of each year the Judge of the Circuit Court and the Judge of the Superior Court shall meet to review the Weighted Caseload Measures statistics as calculated by the Division of State Court Administration for the preceding calendar year to determine whether any changes in the caseload allocation plan should be made.

**LR66-CR 2.2-01 ASSIGNMENT OF CRIMINAL CASES PURSUANT TO
CRIMINAL RULE 2.2**

(A) All cases where in the most serious charge is Murder; ~~or~~ a Class A, B, or C felony; ~~or~~ a Level 1, 2, 3, or 4 felony, shall be filed in the Pulaski Circuit Court, except for charges in relation to violations of IC 9-30-10-17 (operating a vehicle after lifetime suspension), and as may be amended or recodified, which shall be filed in the Pulaski Superior Court.

(B) All violations of IC 35-46-1-4 (neglect of a dependent and child selling) and 5 (non-support of a child), and as may be amended or recodified shall be filed in the Pulaski Circuit Court.

(C) Any misdemeanor or felony committed by a person less than eighteen (18) years of age which is currently excluded from the definition of delinquent act shall be filed in the Pulaski Circuit Court.

(D) Infractions committed by a person less than eighteen (18) years of age that are driving offenses involving alcohol or drugs shall be filed in the Pulaski Circuit Court. All other infractions shall continue to be filed in the Pulaski Superior Court.

(E) In the event a case charges both felony and misdemeanor offenses, the case shall be considered a felony for the application of this rule. Furthermore, in the event a case charges various degrees of felonies, the case shall be considered a felony of the highest degree charged for the application of this rule.

(F) All cases wherein the most serious charge is a Class D felony, **a Level 5 felony, or a Level 6 felony**, shall be assigned to the Pulaski Superior Court. All misdemeanors shall be assigned to the Pulaski Superior Court.

(G) Once assigned, a case cannot be reassigned to another judge if the second filing is based on the same underlying incident.

LR66-CR2.2-02

SELECTION OF SUCCESSOR JUDGES IN CRIMINAL CASES

Upon the granting of a change of judge or the disqualification or recusal of the judge in a felony or misdemeanor case in Pulaski Circuit Court, the case shall be assigned to the **judge of the** Pulaski Superior Court. ~~-, but -~~ If the judge of the Pulaski Superior Court cannot accept jurisdiction of the case, the case shall be reassigned to **the judge or the magistrate of the Starke Circuit Court. If neither the judge nor the magistrate of the Starke Circuit Court cannot accept jurisdiction of the case, the case shall be reassigned to the judges of** one of the following courts on rotating basis: Cass Circuit Court, Cass Superior Court 1, **Cass Superior Court 2, Fulton Circuit Court,** Fulton Superior Court, ~~Starke Circuit Court,~~ **Jasper Circuit Court,** Jasper Superior Court, White Circuit Court, and White Superior Court. The same procedure shall be followed if there is a change of judge, disqualification or recusal of the judge of the Pulaski Superior Court, and if the judge of the Pulaski Circuit Court cannot accept jurisdiction, the case shall be reassigned **as set forth above. on a rotating basis to one of the courts as described above.**

(Amended effective April 10, 2015)

**APPOINTMENT OF A SPECIAL JUDGE IN CIVIL
CASES PURSUANT TO TRIAL RULE 79(H)****(a) Cases involving disqualification or recusal**

In the event a judge disqualifies and recuses under Trial Rule 79(C), and a special judge is not selected under Trial Rule 79 (D) ~~or (E)~~, then the clerk of the court shall appoint as special judge the other Pulaski County Judge; and if that judge does not qualify as a special judge, ~~or a party files an objection within seven (7) days of appointment under this section,~~ the clerk of the court shall appoint on a rotating basis a special judge from the following list of judicial officers ~~eligible under Trial Rule 79 (J)~~:

Starke Circuit Court Judge
Starke Circuit Court Magistrate.

If neither the Judge nor the Magistrate of the Starke Circuit Court qualify as a special judge, the clerk of the court shall appoint on a rotating basis a special judge from the following list of judicial officers:

Jasper Circuit Court Judge
Jasper Superior Court Judge
White Circuit Court Judge
White Superior Court Judge
Fulton Circuit Court Judge
Fulton Superior Court Judge.

If the judge selected to serve is disqualified, ineligible, or is excused from service, then clerk of the court shall appoint the next judge on the list. If no judge on the list is eligible to serve as special judge or the particular circumstances in the case so warrant, the then presiding judge in the case shall certify the matter to the Indiana Supreme Court for the appointment of a special judge pursuant to TR79(H)(3).

(b) Cases involving a change of judge

In the event a special judge selected is not selected under Trial Rule 79, ~~Sections (D) (E) or (F) does not accept the case,~~ then the clerk of the court shall appoint as special judge the other Pulaski County Judge; and if that judge does not qualify as a special judge, the clerk of the court shall appoint on a rotating basis a special judge from the following list of judicial officers ~~eligible under Trial Rule 79 (J)~~:

~~The other Pulaski Court Judge~~
Starke Circuit Court Judge
Starke Circuit Court Magistrate

If neither the Judge nor the Magistrate of the Starke Circuit Court qualify as a special judge, the clerk of the court shall appoint on a rotating basis a special judge from the following list of judicial officers:

Jasper Circuit Court Judge
Jasper Superior Court Judge
White Circuit Court Judge
White Superior Court Judge
Fulton Circuit Court Judge
Fulton Superior Court Judge

If the judge selected to serve is disqualified, ineligible, or is excused from service, then clerk of the court shall appoint the next judge on the list. If no judge on the list is eligible to serve as special judge or the particular circumstances in the case so warrant, the then presiding judge in the case shall certify the matter to the Indiana Supreme Court for the appointment of a special judge pursuant to TR79(H)(3).

(Amended ~~July 1, 2011~~ April 10, 2015)